IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.MC.No. 1656 of 2007()

(IN CRIME NO.52/2000 OF AMARAVILA EXCISE RANGE)

PETITIONER:

R.DIVAKARAN NAIR, AGED 60,
S/O.RAMAKRISHNA PILLAI, TC XXI/273,
(NEW XLI/1038), NEDUMCADU, THIRUVANANTHAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1656 of 2007

Dated this the 28th day of May, 2007

ORDER

The petitioner faces allegations under the provisions of the Kerala Abkari Act. To put it in a nutshell, the allegation is that an underground arrangement of tunnel etc. for storage of illicit arrack was made in his property by the 1st accused. This according to the petitioner is without his knowledge and consent. He faces allegations under Section 64 (a) of the Kerala Abkari Act. Investigation is complete. Charge sheet has already been filed. The petitioner wants this Court to invoke the powers under Section 482 Cr.P.C and quash the proceedings against him.

2. After discussions at the Bar, the learned counsel for the petitioner prays that the petitioner's right to raise the contention that he was unaware and innocent of such alleged arrangements in his property may be left open and he may be permitted to advance these arguments before the trial court. The petitioner does not require the permission of this Court to do that. He is, under law, entitled to do the same and needless to say, his option to resort to that course shall remain.

3. With the above observation, this Crl.M.C is, dismissed.

(R.BASANT, JUDGE)

rtr/-